

CAPTURE, CLASSIFY, RESPOND: comments on the DRAFT 2008 WIRELESS TELECOMMUNICATION FACILITY ZONING BYLAW TOWN OF THETFORD, VERMONT

Version 1.0 March 18, 2008 (comments on Draft for Public Hearing, dated 15 January, 2008)

[NOTE: version, page numbering and section numbers may differ across drafts of the proposed regulation]

Key: G = general (applies to document); R = resolution
 a-s = accept, substantive; a-n = accept, non-substantive; d = defer; r = reject; d-f = defer for future consideration; a-m = accept with modification; q = question; c = comment;

#	DATE	VENUE	PERSON /ORG	SEC.	PG.	COMMENT	R	PC RESPONSE
4	3/18	hearing	Mike Pomeroy	V	2	question: see exemptions, definitions; who does it apply to? says “all communications towers...”; tower 40’ tall, would not be covered? propose change to title of section: “Permit Requirements and Exemptions”	a-m	Blood: Section V, “Permit Required” could be clarified. Blacklow: see zoning, permitted & conditional uses specified for rr, not vr; Blood, that restriction removed; Blood: covers telecommunications facilities; towers for other purposes covered elsewhere; exemptions listed PC: change to read “Conditions Under Which a Permit is Required”
9	3/18	hearing	Richard Blacklow	V	1	does “significant” apply to addition & modification? would be nice not to have to define “significant” or to apply that to the modification; would avoid splitting hairs	a-m	change to read: “No installation or construction of, or significant addition, or significant modification to, any Wireless Telecommunication Facility ...”; PC declines defining “significant”.
12	3/31	email	Tara Bamford	IX, 4		Make building a tower that needs lighting per FAA a last resort.	a-m	Current proposal prohibits lighting unless FAA required; tower height based on “reasonably necessary”, so current language, by default, makes it the last resort.

#	DATE	VENUE	PERSON/ORG	SEC.	PG.	COMMENT	R	PC RESPONSE
15	3/31	email	Tara Bamford	VI,3	2	you should be requiring the names and addresses of easement holders along with property owners.	a-n	change to read: "The name, address and telephone number of the owner or lessee and any easement holder of the property on which..."
13	3/31	email	Tara Bamford			Provide standards for the lighting when required. [Sally to review areas of discretion for Town in regulating tower lights]	d	Out of our jurisdiction, would require petition to FAA.
1	3/18	hearing	Tim Taylor			that looked pretty good! question on degree state pre-emption: how much latitude do we still have?	q	Act 79 defines the degree of latitude (Blood summarized, where applies to 3+ towers; quoted from reg., what is exempt, etc.)
2	3/18	hearing	Richard Blacklow	V	1	question: is the citation correct?	q	yes
3	3/18	hearing	Richard Blacklow			did Act 250 recently change the height that triggers an Act 250 review? ?	q	Geiger: was changed from 20 to 50 ft.; does not affect what we can regulate
8	3/18	hearing	Leif LaWhite	VI		otherwise listed exemptions for amateur radio, etc, if add telecom facility, is that a problem?	q	Taylor, Parks: would be covered by significant change to (current language)
10	3/18	hearing	Richard Blacklow	IX (5); X; XI		Is there a definition of abandonment?	q	section 11; Parks, proposed timeframe is shorter than current; PC feels current language is sufficiently clear
5	3/18	hearing	Richard Blacklow	VI	p.3, para 10	questions: sufficient to say "licensed engineer", need to specify type?	r	Parks: no need to be specific
6	3/18	hearing	Richard Blacklow	IX		regarding the requirement for screening, at ground level, can the DRB require a line of trees if sited in a field? (not clear that screening includes planting)	r	Parks: see p. 6, IX, 12. E, can be considered by DRB; Blood, includes equipment; B. can encompass planting
7	3/18	hearing	Sean Mullen	IX		anything that can make the language more specific, to guide the DRB, include a landscaping option would be welcome	r	PC feels that "screening" is sufficiently descriptive and further specification should be left to the applicant and DRB.

#	DATE	VENUE	PERSON /ORG	SEC.	PG.	COMMENT	R	PC RESPONSE
11	3/31	email	Tara Bamford	IX, 2		Raise the bar for exceptions from the height limit in IX.2. Avoid language such as "reasonably necessary" that will leave the DRB mired in gray areas. (Consider "practicable" as a stronger alternative that works better in most situations where a board is considering "reasonable.")	r	PC: feels proposed language not significantly different
14	3/31	email	Tara Bamford	IX, 5	5	Require bonding for eventual dismantling – companies who have abandoned facilities are typically difficult to find and collect money from.	r	PC feels DRB should exercise discretion in this area.
16	3/31	email	Tara Bamford	VI,		Why does Section VI say "owners or lessees"? The actual landowner(s) signature should always be required along with contact info.	r	The regulation does not address permissions between landlords and lessees, assuming this is out of scope.

1. Written comments from Tara Bamford, received by email, 3/31:

March 31, 2008

Chairman Parks:

I recently had my first opportunity to read the Planning Commission's draft telecomm bylaw. I was disappointed at the lack of protection it provides for the Town and its residents. Although quite a bit of effort has been going into trying to make towers blend in with the topography, way too little effort has been made to protect the night sky. Our view of the stars in the Upper Valley is increasingly framed with flashing red lights.

I recommend strengthening the ordinance in the following areas:

1. Raise the bar for exceptions from the height limit in IX.2. Avoid language such as "reasonably necessary" that will leave the DRB mired in gray areas. (Consider "practicable" as a stronger alternative that works better in most situations where a board is considering "reasonable.")
2. Make building a tower that needs lighting per FAA a last resort.
3. Provide standards for the lighting when required.

4. Require bonding for eventual dismantling – companies who have abandoned facilities are typically difficult to find and collect money from.

On addition point – you should be requiring the names and addresses of easement holders along with property owners. (Why does Section VI say "owners or lessees"? The actual landowner(s) signature should always be required along with contact info.)

If desired, I would be glad to take a weekend in May to develop some alternative language on these points for your consideration. I serve on the Executive Committee of the Vermont Planners Association and am also the Vermont representative to the Northern New England Chapter of the American Planning Association. This gives me easy access on a regular basis to a wide network of peers and their ideas and experiences.

I'll look forward to hearing if I can be of assistance.

Sincerely,

Tara E. Bamford
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